

detergent laundry performance, the presence of an oxygen bleach component. The description, in *May et al*, column 3, lines 36-64, is confirmatory in that respect in acknowledging that the oxygen bleach is present in major levels, usually in the range of from 15-40%. Contrary to the Examiner's allegation, the detergent bases of Examples 1 and 2 contain major levels of oxygen bleaches:

Example 1 – sodium perborate tetrahydrate – 2%; and

Example 2 – $\text{NaBO}_3 \cdot 4\text{H}_2\text{O}$ – 25%.

In addition to the inclusion of oxygen bleaches in *May et al*, the cited reference further is distinguishable from the present invention as recited in claim 1. The reference does not suggest nor disclose a phosphonate selected from the groups identified. More specifically, the reference does not suggest nor disclose the phosphonate having an alkylene group R_1 , having 1 to 4 carbon atoms and an alkylene group R_2 having 1 to 8 carbon atoms. Neither is there disclosed or suggested an alkylene polyphosphonate wherein the alkylene chain contains 2 to 6 carbon atoms and the component contains at least two phosphonate groups.

Thus, in addition to the fructan component which the Examiner notes as not being disclosed, the structure identified above is not disclosed by *May et al*. This structure is not disclosed by *Kuzee et al*, so that even if combined, the two cited references would not suggest or disclose the structure recited in claim 1.

The Examiner has misinterpreted the applicant's position with regard to the expression "capable of exhibiting bleachable stain removal in the absence of oxygen bleaches" which is recited in claim 1. The applicant clearly means that the bleaching system is not an inventive parameter and oxygen bleaches are absent in the applicant's composition. The arguments presented by the applicant on page 7 of the Amendment of January 25, 2007 further support the applicant's position since the

arguments are directed to the inclusion of oxygen bleaches in the *May et al* reference. These arguments are to show the difference between *May et al* and the present invention, in which oxygen bleaches are absent. Further, since applicant's claim 1 defines the problem "in the absence of oxygen bleaches", this excludes prior art, namely *May et al*, which provides a solution to the problem based on the presence of oxygen bleach.

The Examiner's technological positioning of *Kuzee et al* as being a "laundry detergent composition" is contrary to the facts effectively disclosed. In detail, *Kuzee et al* pertains, in toto, to industrial textile treatment technology. *Kuzee et al* differs from the conventional industrial textile treatment art in that polyacrylates are replaced by fructan polycarboxylic acids. Industrial textile treatments are completely different from, and non-overlapping in relation to, detergent laundry treatments. The industrial textile treatments are for the removal of contaminate present arising from the starting material or from the process in producing the textile. These are described in the specification on pages 7-10. The *Kuzee et al* textile treatment technology is exemplified on page 9 *et seq.* Cotton can be treated in presence of fructan (0.5-3 g/l), soda or sodium hydroxide (1-5 g/l) and an anionic or (usually) non-ionic detergent in a level of, based on general knowledge, from 1-2 g/l. Wool can be treated comparably in presence of a substantial level of alkalinity and a minimum level of nonionics. These types of treatments are not used in detergent laundry treatments which are concerned with soiled items made from textiles. Attention is also drawn to the "boiling down textile treatment" described by *Kuzee et al* at page 10, line 3 *et seq.* In general, industrial textile treatments are very specific in requiring major level of alkali in combination with minimal levels of usually non-ionic detergents. Such treatment frequently require temperatures up to 100°C or even higher. Nonionic detergents are used in additive levels compared to the alkaline materials. The Examiner's

final conclusion (page 5, 1st para.) " ... that both the primary reference of *May et al* and the secondary reference of *Kuzee et al* are analogous since the detergent compositions for treating laundry and textiles are analogous" is disputed by the applicant based on the above discussion.

Detergent laundry compositions are different from industrial textile treatment compositions; such functional differences are well known and a side-by-side comparison of the compositions of *May et al* vs. *Kuzee et al* is eminently confirmatory in that respect in e.g. showing the strongly alkaline textile treatment conditions. There is no functional/compositional relationship whatsoever between detergent laundry treatment and industrial textile treatment. The fact that a textile treatment can require a nonionic detergent is non-enabling considering that said non-ionic is used, in industrial textile treatment, in very low levels in a treatment matrix which is different from and non-comparable to a detergent matrix. It is submitted that those references are should not be combined to reject the present application.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to

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contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Aug 20, 2007
Date

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CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 20, 2007

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